

REMARKS

The undersigned counsel for the Applicants is not listed on the Applicants' Power of Attorney. However, a new and revised Power of Attorney will be filed in the near future. Therefore, Applicants respectfully submit that the United States Patent Office accept this amendment under 37 CFR 1.33(b)(2) and 1.34.

With the present amendment, claims 1-4 and 6-23 are pending. Claim 5 was rejected to under 37 CFR § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants have canceled claim 5. Claims 12 and 14 were rejected under 35 U.S.C. § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Claim 12 has been amended to depend from claim 11 and claim 14 has been amended to depend from claim 13 to provide antecedent basis for the "third layer" which appears in line 1 of each of the respective claims.

Claims 1-10, 17, and 21 stand rejected under 35 U.S.C. § 103(a) as being obvious over Annable (U.S. Publication No. 2002/0134493) in view of Lampila et al. (European Patent Application No. EP 1 091 035 A1). Claims 11-16, 18-20, 22, and 23 stand rejected under 35 U.S.C. § 103(a) as being obvious over Annable (U.S. Publication No. 2002/0134493) in view of Lampila et al. (European Patent Application No. EP 1 091 035 A1) as applied to claim 1 above and further in view of Clark et al. (U.S. Patent No. 6,723,669).

Respectfully, Annable, Lampila et al., and Clark et al. do not disclose, teach, or suggest a nonwoven web laminate having a first nonwoven web layer comprising pores with the mean equivalent pore radius greater than about 100

µm and a second nonwoven web layer comprising pores having a mean equivalent pore radius of less than about 100 µm so that the laminate has an overall pore size distribution which is at least bimodal as called for claim 1 of the present application.

Annable discloses a wiping product formed from a fabric containing a nonwoven web of fibrous material that is bonded by microcreping. Annable is silent as to the mean equivalent pore radius of the nonwoven web.

Lampila et al. discloses a hydroentangled nonwoven texturized by a microcreping process. The nonwoven has a pore size distribution whereon at least 30 percent of the total pore volume associated with the pores has an effective radius of greater than 100 µm, and at least 5 percent of the total pore volume associated with the pores has an effective radius of less than 70 µm.

Claim 1 of the present application calls for a nonwoven laminate with a first nonwoven web layer having mean equivalent pore radius for the pores therein that are greater than 100 µm, and a second nonwoven web layer having an equivalent pore radius of less than about 100 µm for the pores therein. The combination of the two nonwoven layers creates the laminate having an overall pore size distribution which is at least bimodal. By having the two layers with distinct mean equivalent pore radii, one on top of the other, a distinct bimodal pore size distribution is created over the whole laminate that is useful in helping resist migration of fluid within stacked wipes while promoting release and transfer of the fluid from the wipes to the surface being cleaned while the wipe is in use.

The layer having the lower mean equivalent pore radius resists migration of fluid. Therefore, when the wipes are stacked one upon the other the fluid will not have the tendency to migrate to the bottom of the stack thereby creating an uneven distribution fluid within the stack of wipes. By having a first nonwoven web layer having a mean equivalent pore radius of greater than about 100 μm , the wipe is also able to hold fluid better while easily releasing and transferring the fluid to the wipe surface when the wipe is in use. Such a bimodal overall pore size distribution in two separate, distinct nonwoven layers is not disclosed, taught, or suggested within Annable and Lampila et al., in combination or alone.

As explained by the Federal Circuit, obviousness may only be established by modifying the teachings of the prior art to produce the claimed invention if there is some teaching, suggestion, or motivation to do so found either in the reference itself or in the knowledge generally available to one of ordinary skill in the art. See e.g., In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992).

Accordingly, even if all elements of a claim are disclosed in various prior art references, the claimed invention taken as a whole cannot be said to be obvious without some reason given in the prior art why one of ordinary skill in the art would have been prompted to modify the teachings of the references to arrive at the claimed invention. See e.g., In re Regel, 188 U.S.P.Q. 132 (C.C.P.A. 1975). Where no reasonable extrinsic or intrinsic justification exists for the proposed modification, a case of *prima facie* obviousness will not have been established.

Neither Annable nor Lampila et al. suggests combining a first nonwoven layer and a second nonwoven layer that have such two distinct mean equivalent pore radii as called for in claim 1. Lampila et al. does not mention having a multilayered laminate nonwoven material and only gives very broad ranges for effective pore radii. Further, Lampila et al. only discusses creating a nonwoven material from a hydroentangled web. Annable only discusses a multilayered nonwoven in the two sentences in paragraph 39 of the specification. The sentences are as follows: “The nonwoven web can be a multilayered web that may contain a first layer formed from a meltblown or coform material containing polyolefin or other melt-spinnable polymers and a second layer formed from any other material. For instance, the second layer can be formed from a meltblown, spunbond, coform, or bonded carded material.” As stated above, Annable is silent as to pore size within the nonwoven web that is discussed in the specification.

With such little discussion of multilayered webs in Annable and with Annable being silent as to pore size, one of ordinary skill in the art would not look to a single layered hydroentangled nonwoven of Lampila et al. to create a nonwoven laminate having a first layer with a first mean equivalent pore radius and a second layer with a second distinctly different mean equivalent pore radius to create a bimodal overall pore size distribution within the laminate. Plainly, the only incentive or motivation for so modifying Annable using the teachings of Lampila et al. in the manner suggested in the Office Action results from using Applicants’ disclosure as a blueprint to reconstruct the claimed invention out of

isolated teachings in the prior art, which is improper under 35 U.S.C. § 103.

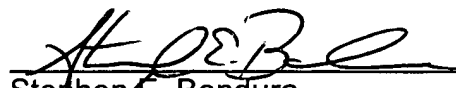
Accordingly, it is respectfully submitted that any such modification of the cited references relies on the impermissible use of hindsight which cannot be successfully used to support a prima facie case of obviousness.

Further, Clark et al. does not correct the deficiencies of Annable and Lampila et al. to render claim 1 obvious.

For at least these reasons, independent claim 1 is patentably distinguishable from cited prior art and is now allowable. Since claims 2-4 and 6-23 depend from claim 1, Applicants respectfully submit that claims 2-4 and 6-23 are also allowable. Applicants respectfully submit that the application is now in condition for allowance and favorable action is requested thereon. The Examiner is encouraged to contact the undersigned at his convenience to resolve any remaining issues.

Respectfully submitted,

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